

**REMARKS**

**I. Claim Status and Amendments to the Claims**

After entry of this amendment, which is respectfully requested, claims 1-8 will be pending in the application.

Claims 1 and 3 have been amended to recited that the toner includes resin comprising a block polymer and an amorphous polymer. Support for this amendment can be found at page 21, lines 16-18 of the specification.

New claims 4-8 have been added. Claims 4-8 recite an image-forming apparatus, and are supported throughout the specification, particular by pages 9-15 and 110-116 and in Figs. 1 and 2.

**II. Objections to the Drawings**

At page 2, paragraph 1 of the Office Action, the drawings filed July 19, 2004 are objected to as not properly identified in the top margin as "Replacement Sheet," as required under 37 C.F.R. § 1.121(d).

In response, Applicants are filing corrected drawings, identified in the top margin as "Replacement Sheet," with this Amendment.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

### **III. Objections to the Disclosure**

At page 2, paragraph 2, the disclosure is objected to because of the following informalities:

(a) The Examiner states that the toner in comparative example 5A meets all the limitations, including the relaxation modulus limitations, recited in present claim 1. Thus, the Examiner asserts that it is not clear what Applicants consider to be their invention.

In response, Applicants submit that Comparative Example 5A is a comparative embodiment with respect to claim 2. In particular, the amount of release agent in Comparative Example 5A is 4.5 wt.%, which is outside the scope of claim 2.

(b) The Examiner states that the toners in Comparative Examples 4B and 5B meet all the limitations, including the relaxation modulus limitations, recited in claim 3.

In response, Applicants note that similar to the above, Comparative Examples 4B and 5B are comparative embodiments with respect to claim 4. Specifically, Comparative Examples 4B and 5B do not meet the requirements of claim 4 with respect to the amount of release agent.

(c) The Examiner notes that trademarks should be capitalized wherever they appear and be accompanied by generic terminology.

In response, Applicants have amended the disclosure by correcting the trademarks in the Substitute Specification provided herewith. No new matter has been added.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the objections to the disclosure.

**IV. Claim Rejections Under 35 U.S.C. §§ 102 and 103**

At page 3, paragraph 6 of the Office Action, claims 1-4 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. Pat. No. 6,300,024 B1 (Yusa).

Specifically, the Examiner states that Yusa discloses a toner comprising a polyester resin and 2 wt% of a polyethylene wax, i.e., a release agent. The Examiner further states that the amount of polyethylene wax is within the releasing agent amount of “3 wt% or less” as recited in present claims 2 and 4.

The Examiner acknowledges that Yusa does not disclose that the toner has the relaxation modulus properties recited in present claims 1 and 3. However, the Examiner asserts that because the toner disclosed in Yusa appears to have the same properties as the toner claimed by Applicants, it is reasonable to presume that the toner disclosed by Yusa has the relaxation modulus properties recited in the present claims.

The Examiner further indicates that the recitation of the image-forming apparatus in claims 1 and 3 is merely a statement of intended use that does not distinguish the toner composition disclosed by Yusa, because the intended use does not result in a compositional or structural difference between the toner recited in the instant claims and the toner disclosed in Yusa.

Applicants note that claims 1 and 4 have been amended to recite that the toner includes a resin comprising both a block polyester and an amorphous polyester. Applicants submit that Yusa does not teach or suggest a binder resin comprising both a block polyester

and an amorphous polyester. Accordingly, claims 1 and 4 are novel and nonobvious over Yusa.

Further, with respect to claims 5-8, Applicants assert that Yusa does not teach or suggest the apparatus recited in these claims. In contrast to Yusa, the apparatus of claims 5-8 suppresses the winding of the recording medium around the pressing member after heat fixation. In addition, the inventive apparatus decreases the width of the nip part. These novel results are due to the combination of the following requirements: a) a toner having specific characteristics; b) a specific configuration placing the main heating member in contact with the side of a recording medium opposite to the side on which the toner is provided; and c) nip parts each having a specific shape. Accordingly, claims 5-8 are novel and nonobvious over Yusa.

Thus, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### **V. Double Patenting Rejection**

At page 8, paragraph 8 of the Office Action, claims 1-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending U.S. Pat. Appln. No. 10/787,394.

Because this rejection is provisional, Applicants choose to postpone responding to this rejection until the time at which either application issues as a patent. See MPEP §804(I)(B).

#### **VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/787,389

Atty. Docket No.: Q80155

which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa E. Stahl", written over a horizontal line.

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